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Our Ref.: GEI-082

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : B. Fubara
F. JOLY et al :
Serial No.: 09/700,120 : Group: 1615
Filed: November 8, 2000 :
For: PHARMACEUTICAL...AND USES :
600 Third Avenue
New York, N.Y. 10016
March 24, 2003

RESPONSE

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the advisory action of January 3, 2003, Applicants request reconsideration of the application in view of the remarks presented herein.

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In the advisory action, the Examiner noted that the translation had not been signed and Applicants are submitting herewith a copy of a letter from the Japanese associate which accompanied the translation and therefore, it is deemed that this proves the accuracy of the translation and the person who translated it.

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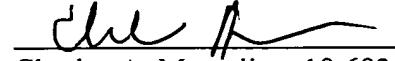
With respect to the translation provided by the Patent Office is incorrect and Applicants believe the present translation is more accurate and really refers to a soft drink characterized in that it contains among other ingredients, "some brine". While there are many definitions for brine, it is not equivalent to seawater. Applicants are submitting herewith a listing provided by Chemical Abstracts with the key word "brine" and nothing equivalent to seawater can be detected. Among the eleven answers extracted from the EP

patent listing, nothing relates to seawater but merely to concentrated mineral salts. Brine may well contain many other mineral salts such as sodium sulfate (reference 2) whatever is the mineral salt solution (reference 3) and in reference 4, brine concentration will always exceed 60%. Reference 7 illustrates the fact that preparing brine by forming a solution by at least partially dissolving the wetted portion of a salt bed in water with the salt bed containing one or more soluble impurities but no sodium chloride. Reference 8 shows that a concentrated aqueous solution of salt to make brine and then subjecting the brine to refrigeration and crystallization to precipitate Glauber's salt. Reference 9 shows a corrosion inhibiting brine composition including an aqueous solution of at least one alkali or alkaline earth metal halide and a corrosion inhibiting amount of zinc and thiocyanate ions. Reference 11 shows that a buffered brine may be any inorganic salt to which a buffer is added.

Therefore, it is believed to be clearly demonstrated that the word "brine" does not imply a sodium salt solution but any concentrated solution of a mineral salt or a mixture of mineral salts and therefore, is not equivalent to seawater as used in Applicants' invention. Therefore, the addition of "brine" to a soft drink is not equivalent to Applicants' compositions which are directed to a pharmaceutical hygienic or cosmetic composition containing as active ingredients 3 to 95% by weight of seawater and 0.0001 to 10% by weight of at least one amino acid and salts thereof. Therefore, the reference in no way teaches Applicants' invention and withdrawal of this ground of rejection is requested.

In view of the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Muserlian, Lucas and Mercanti


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Enclosures